

**VOLUNTARY PATERNITY
MOTHER MARRIED
For Petitioner Only OR
Petitioner AND Respondent**

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To Get The Court Order

Part 1: Completing and Filing
the Court Papers



SELF-SERVICE CENTER

VOLUNTARY PETITION FOR ORDER OF PATERNITY with Affidavit of Legally Presumed Father

PETITIONER ONLY OR PETITIONER AND RESPONDENT

This packet contains court forms and instructions to file a Voluntary Petition with the Court to establish Paternity where the mother was still legally married when the children were born or conceived and her legal husband of that time of is not the father. Be sure the documents are in the following order.

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SELF-SERVICE CENTER
PETITION FOR VOLUNTARY PATERNITY – MOTHER MARRIED
AND LEGAL HUSBAND IS NOT THE FATHER
CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You are the biological parents of the child(ren) for whom you want to establish paternity, **AND**
 - The mother was legally married when the child(ren) were born or at any time during the ten months immediately before birth, **AND**
 - The mother's legal husband of that time is not the biological father.
- ✓ The biological parents both **AGREE** on who the father is (or at least you both agree to be bound by test results from a certified laboratory), **AND**
- ✓ You want a court order establishing paternity for the child(ren), **AND**
You have:
 - **The Affidavit of the Legally Presumed Father**, the man who was husband when the child(ren) was (were) born or at any time during the ten months before, stating that he is not the father of the children named in this request, with his notarized signature, **AND**
One of the following:
 - **Affidavit of Acknowledgment** – an agreement with the notarized signatures of BOTH biological parents telling the Court that you both **AGREE** that the man named as father in the agreement and signing the papers as the father **IS** the biological father of the child(ren) named in the agreement (affidavit). **OR**
 - **Genetic Testing** -- both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the natural father, **AND**
- ✓ You do not want a court order about child custody, visitation, and support *at this time*.

YOU MAY NOT FILE THESE FORMS without the notarized signature of the legally presumed father (the man married to the mother at the time of birth or 10 months preceding.

READ ME: Signing legal documents may permanently affect the legal rights and responsibilities of all parties involved. Consult a qualified legal professional to assist you in making an informed, intelligent decision. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff, or see the list on our web site at:
<http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

Superior Court of Arizona
Maricopa County
Family Court Cover Sheet

For Use *WITH* Minor Children

Check only one:

- ☐ **Dissolution (Divorce)**
☐ **Legal Separation**
☐ **Annulment**
☐ **Order of Protection**
☐ **Paternity**
☐* **Custody/Visitation**
☐* **Child Support**
☐ **Other** _____

* Check only if no other category applies

**Case Number (Clerk will stamp
case # when documents are filed)**

ATLAS number(s): (if applicable)

Instructions:

- You must provide the following information about yourself and the other party.
- Type or print neatly in black ink.
- If more room is needed for children or Petitioner/Respondent, please attach a separate page.

Information About the Petitioner:

Name: _____

Address: _____

City, State, Zip: _____

Home phone #: (____) _____

Work phone number: (____) _____

Cell phone/pager: (____) _____

Date of Birth: _____

Social Security _____

E-mail address: _____

Information About the Respondent:

Name: _____

Address: _____

City, State, Zip: _____

Home phone #: (____) _____

Work phone number: (____) _____

Cell phone/pager: (____) _____

Date of Birth: _____

Social Security#: _____

E-mail address: _____

Lawyer's Name and Bar Number: _____
(Provide this information only if YOU have an attorney)

Names, Dates of Birth, and Social Security Numbers for Minor Children Involved:		
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:

Names and D/O/B's of any OTHER minor children of the petitioner and/or the respondent, who are NOT involved in this case: _____

Have there been any other cases (EXCLUDING minor traffic offenses) in any court involving members of this family? Yes No. If yes, please describe, and provide case numbers if known: _____

Domestic Violence Section

Is anyone mentioned on this cover sheet currently a victim of any family or domestic violence?

☐ Yes ☐ No

Has anyone listed on this cover sheet been the plaintiff, defendant, or named in a petition for an Order of Protection? ☐ Yes ☐ No

If Yes, please identify:

Was the Order of Protection granted by the Maricopa County Superior Court?

☐ Yes ☐ No

If No, in what court was the Order of Protection granted? _____

Children's Issues Section

Are any of the children named above in any physical danger due to abuse or neglect?

☐ Yes ☐ No

Has anyone named on this sheet had any involvement with Child Protective Services in Arizona?

☐ Yes ☐ No

If Yes, please provide the CPS or Juvenile Court case number: _____

INTERPRETER: Is an interpreter needed for either of the parties? If so, please check the appropriate boxes below. **NOTE: THIS IS NOT A REQUEST FOR AN INTERPRETER, THIS INFORMATION IS TO BE USED FOR INTERNAL PURPOSES ONLY.**

☐ Petitioner ☐ Respondent Language: ☐ Spanish ☐ Other _____

LOCATION (Check the Superior Court location where you are filing these documents):

☐ Downtown Phoenix (201 W. Jefferson St.) ☐ Northeast Phoenix (18380 N. 40th St.)

☐ Southeast Regional (222 E. Javelina, Mesa) ☐ Northwest Regional (14284 W. Tierra Buena, Surprise)

**VOLUNTARY PETITION FOR ORDER OF PATERNITY - MOTHER MARRIED
(BUT THE LEGAL HUSBAND IS NOT THE FATHER)**

INSTRUCTIONS

TO COMPLETE THESE FORMS YOU WILL NEED: the notarized signatures of **both** the biological father and mother and of the “**legally presumed father**” as well. You will also need a lab report if you checked “Genetic Testing” in item (6) on the Request.

YOU NEED TO KNOW: “Legally Presumed Father”. By Arizona law (A.R.S. §25-814(A)), if the mother is legally married when the child(ren) is/are born or at any time in the ten months before, the man who is her legal husband of that time is **legally presumed** to be the father, even if he **is not** the actual biological father of the children. No one else’s claim to be the father will be recognized by the Court **unless** the “**legally presumed father**” gives his notarized permission. When these forms refer to “**legally presumed father**”, it means the mother’s legal husband when the children were born or conceived.

1st Form: “FAMILY COURT COVERSHEET” (All Forms: TYPE OR PRINT IN BLACK INK)

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet: ☒ **Paternity.**

Information about the Petitioner, the person filing these papers: Write in the information requested in the space provided. If you do not have a cell phone or email address, leave those spaces blank. If your address and telephone numbers are protected, write “**Protected**”; you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer’s name and bar number.

Information about the Respondent, the other biological parent: Write in the information requested for the Respondent. If some of the information requested does not apply, leave those spaces blank, otherwise fill in all spaces for which you know or can find the requested information.

Minor Children Involved: List the name(s), date(s) of birth, and social security number(s) for any minor child(ren) involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both, who are **not** involved with this case, list their names on the lines provided.

Other Court Cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases (except a minor traffic offense) in any other court. If you check the “Yes” box, please describe the case, and give case number(s) and court location(s).

Domestic Violence Section: Answer the questions regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children’s Issues Section: Answer the questions regarding the children you listed on the “**Family Court Cover Sheet**”. This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Location: Check the box to indicate which courthouse location you are filing these documents:
Downtown Phoenix, Mesa, or Surprise.

2nd Form: VOLUNTARY PETITION FOR ORDER OF PATERNITY WITH “AFFIDAVIT OF LEGALLY PRESUMED FATHER”

Match each numbered item in the instructions with the same numbered item on the Request and Affidavit.

- (1) Fill in the name, address, and phone number of the person filing the form.
- (2) List the name of the parent who is filing this document on the line for "Petitioner" and the name of the other parent on the line for "Respondent".
- (3) Leave this item blank. The Court will provide the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (5) List the name(s) of the child(ren) for whom you want to the Court to issue an **"Order of Paternity"**. If you need to list more children, write in "Continued on next page." Attach that page and label it: "Parents Request for "Order of Paternity" for:" and list the children's names, dates of birth, and places of birth in the same manner as in (5) on the first page.
- (6) Mark the one box that applies to your request. Write in the name of the biological father in the appropriate space, depending on which box you check.
 - **Affidavit of Acknowledgment** -- Mark this box if **both** parents are signing this Request, to tell the Court that you both agree that the man named as father on this request **IS** the father, **OR**
 - **Genetic Testing** -- Mark this box if both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the biological father.
- (7) IF you want to change the child(ren)'s name(s) on the birth certificates (to add the father's last name or for some other reason), list the current name on the left and list the desired new name on the right. If you need more lines, write in "Continued on next page," attach that page and label it "Parents request for name change" and list the children just as in (6) on the first page (old name on left, new name on right).
- (8) Fill in the information requested for the mother of the children. If the mother does not have a Social Security Number, leave that line blank or write "None".
- (9) Fill in the information requested for the biological father of the children including where the father was born (city, state, and country). If the father does not have a Social Security Number, leave that line blank or write "None".

SIGNING THIS FORM WILL PERMANENTLY AFFECT RIGHTS AND RESPONSIBILITIES OF ALL PARTIES.

READ THE "IMPORTANT NOTICE" BEFORE SIGNING.

CONSULT A QUALIFIED LEGAL PROFESSIONAL TO HELP YOU MAKE AN INFORMED DECISION AND PROTECT YOUR INTERESTS.

- (10) The biological mother **AND** father must **both** sign the form in front of a Notary Public or Clerk of Court. By signing this form, you are telling the Court, under penalty of law, that the information on the form is true and correct to the best of your knowledge.
- (11) **"AFFIDAVIT OF LEGALLY PRESUMED FATHER" - This is a required form.** Type or print the name of the **"legally presumed father"** who was married to the mother of the child(ren) when the child(ren) was/were born or at any time throughout the ten months immediately preceding such birth. **The "legally presumed father" must sign in front of a Notary Public or Clerk of the Superior Court** consenting to the acknowledgment of paternity filed.

3RD Form: ORDER OF PATERNITY

FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- (1) Write in the name of the person filing the form.
Write in the name of the other parent on the line below.
- (2) Leave this line blank. The Clerk's Office will supply the case number.
- (3) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (4) For each child, fill in the name, date of birth, place of birth, as listed in Item 5 of the Request
- (5) Fill in the name, social security number and other requested information for the biological mother as listed in Item 8 of the ***"Voluntary Petition for Order of Paternity"***.
- (6) Fill in the name, social security number, date of birth, and place of birth of the biological father.
- (7) If you want to change the legal last name of the child(ren) who are involved in this case because of this paternity order, enter the new last name you want to appear on the amended birth certificate(s).

STOP! Leave the rest of the form blank. Court staff will fill in the rest of the form.

NEXT: AFTER YOU HAVE COMPLETED ALL FORMS, SEE THE "PROCEDURES" PAGE FOR INSTRUCTIONS ON HOW TO FILE.

(1) Person Filing: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime / Evening Phone: _____ / _____
 Person Filing is: ☐ Self (Without an Attorney) or
 Attorney for ☐ Father ☐ Mother
 (If Atty.) State Bar No.: _____ Attorney Phone: _____

SUPERIOR COURT of ARIZONA IN MARICOPA COUNTY

(2) _____
 Person Filing (Petitioner)

(3) Case No. _____

(4) ATLAS No. _____

 Other Parent (Respondent)

VOLUNTARY PATERNITY FOR ORDER OF PATERNITY with Affidavit of Legally Presumed Father A.R.S. § 25-814

The Clerk is requested to issue an Order establishing paternity for the following child(ren):

(5) Full Name on Birth Certificate	Date of Birth	Place of Birth (City, County, State, Country)
_____	_____	_____
_____	_____	_____

The biological mother of the child(ren) named above was legally married at the time the child(ren) were conceived or born. Her husband at that time who is legally presumed to be the father has attached an affidavit of acknowledgment that he is **not** the biological father of this (these) child(ren).

(6) This request is based on: (Mark **one box only** and write in the name of the actual biological father)

☐ **Affidavit of Acknowledgment:** By signing this form or an attached notarized affidavit to the same effect, we agree and acknowledge that _____ is the biological father of the child(ren) named above.

☐ **Genetic Testing and Laboratory Affidavit:** Attached is an affidavit from a certified laboratory indicating _____ has not been excluded as the biological father of the child(ren) and we agree to be bound by the results of the genetic test.

Both parties must sign this form or an attached notarized affidavit to change child(ren)'s

(7) The parents request the Office of Vital Records amend the birth certificate(s) to change the child(ren)'s name(s) from: _____ to: _____

(8) The following information is required:

Mother's Current Full Name _____

Mother's Date of Birth _____ Social Security Number _____ Mother's Maiden Name _____

Case No. _____

(9) Father's Full Name _____

Date of Birth _____ Social Security Number _____ Place of Birth (City, State, Country) _____

(10) Do not sign this form until you are directed to do so by the Clerk or Notary Public.

Date

Mother's Signature

State of Arizona)
County of _____)ss.

Acknowledged before me on: _____

My Commission Expires: _____

Notary Public or Clerk of Superior Court

Date

Biological Father's Signature

State of Arizona)
County of _____)ss.

Acknowledged before me on: _____

My Commission Expires: _____

Notary Public or Clerk of Superior Court

NOTE: This form may not be filed without the third page containing the notarized signature of the legally presumed father.

Case No. _____

AFFIDAVIT OF LEGALLY PRESUMED FATHER

A.R.S. § 25-814(A)(1)

(11) I, _____, being duly sworn, state:

I was married to the mother when the child(ren) named on this request was (were) born or during the ten months prior to the child(ren)'s birth or the child(ren) was (were) born during the ten months after our marriage was legally terminated.

I am not the biological father. I consent to the acknowledgment of paternity filed with the Voluntary Request for Order of Paternity.

**Do not sign this form until you are before the Clerk or Notary Public.
Signing this form will permanently affect legal rights and responsibilities.
A qualified legal professional can assist you in making an informed decision.**

Date: _____

Legally Presumed Father's Signature

State of Arizona)
) ss.
County of _____)

Acknowledged before me on: _____

My Commission Expires: _____

Notary Public or Clerk of Superior Court

SUPERIOR COURT of ARIZONA IN MARICOPA COUNTY

(1) _____
Person Filing (Petitioner)

(2) Case No. _____

(3) ATLAS No. _____

Other Parent (Respondent)

ORDER OF PATERNITY

A.R.S. § 25-812

Based on the Request filed, for the children whose names appear on birth certificates as:

(4)	First	Middle	Last
(a)			
(b)			
(c)			

who were born on this date and at this place: (List in same order as above)

	Month/ Day /Year	City, State, Nation of Birth
(a)		
(b)		
(c)		

(5) whose natural mother is: (Mother's name as listed on *child(ren)*'s birth certificate(s))

First	Middle	Last
Month/Day/Year of Birth	Social Security Number (if any)	Maiden Name:

The mother was not been legally married when the child(ren) were born or at any time during the 10 months before birth.

IT IS ORDERED, that the biological father of the above named children is:

(6) (Father's LEGAL name (as listed on *his own* birth certificate))

First	Middle	Last
Month / Day / Year of Birth	Social Security Number (if any)	City State, Nation of Birth

Case No. _____

(7) FOR ANY CHILDREN BORN IN THE STATE OF THE ARIZONA, THE CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, WHICH IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS:

- ☐ The father's name shall be entered on the child's birth certificate.
☐ The child or children's last name shall be changed to: _____

This Order is a judgment of the Superior Court. Pursuant to A.R.S. § 25-803(D), the parent with whom the child has resided for the greater part of the last six months has legal custody of the child unless otherwise ordered by the Court. Pursuant to A.R.S. § 25-501, this Order of Paternity imposes a duty of support and also provides a basis for determining issues related to custody and visitation and affords the parents all rights and responsibilities provided by Arizona law (A.R.S. § 25-803(C)).

Dated: _____

Clerk of the Court, Judicial Officer, or Court Designee

For Court Use Only.

Copy mailed on: _____ To: ☐ Corrections Unit, Office of Vital Records ☐ IV-D Agency

PETITION FOR VOLUNTARY PATERNITY – MOTHER MARRIED BUT LEGAL HUSBAND IS NOT THE FATHER PROCEDURES

WHEN YOU HAVE COMPLETED ALL FORMS:

- Make one copy of the “**Voluntary Petition for Order of Paternity with Affidavit**,” any necessary attachments (such as a lab report)* , and the “**Order of Paternity**”.
- Separate your documents into two sets: one set of originals and one set of copies.
- The ORIGINAL set should include: (1) “**Family Court Cover Sheet**,” (1) “**Voluntary Petition**,” (1) “**Order of Paternity**,” AND the lab report (if you checked “Genetic Testing” in #6).
- The COPY should include: (1) “**Voluntary Petition**” (1) “**Order of Paternity**,” and (1) lab report.*
*if you checked the box for “Genetic Testing” in #6 on the “**Voluntary Petition**”.
- Take both sets of papers to the Office of the Clerk of the Superior Court at any of the four (4) Maricopa County courthouse locations:
 - Downtown Phoenix, 201 West Jefferson, Phoenix, Arizona
 - Northeast Phoenix, 18380 North 40th Street, Phoenix, Arizona
 - Southeast Court, 222 East Javelina Drive, Mesa, Arizona
 - Northwest Court, 14264 West Tierra Buena Lane, Surprise, Arizona
- Pay the filing fee of **\$271.00**. If you cannot pay the fee, you may ask the Clerk’s Office or the Self Service Center for the forms to apply for a deferral (delayed payment plan).
- Give both the Originals and the Copies to the Clerk.

The Clerk will sign and file the original Paternity Order and return a signed and stamped copy to you. The Clerk will also forward a copy of the Order to the Arizona Department of Vital Records where they will enter the new information on the birth certificate, and to the Attorney General’s office as well. “Certified” copies of the Order are available for an additional fee.

NOTE: After a Paternity Order is issued, either parent may file a request for Visitation, Custody, or Support. IF that request is filed within 90 days after the Paternity Order is issued, and in the same county, there is no additional filing fee. (A.R.S. 25-812(c))

OBTAINING A COPY OF A NEW ARIZONA BIRTH CERTIFICATE:

Arizona birth certificates are maintained by the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, AZ 85007 (P. O. Box 3887, Phoenix, AZ 85030).
For detailed information, see the Vital Records web site at <http://www.hs.state.az.us/vitalrcd/>

If you want a copy of the **NEW** Arizona birth certificate, allow three to six weeks for the change to be processed. Then, contact the Office of Vital Records (Telephone (602) 364-1300). They will prepare the new certificate upon all of the following:

- petition
- payment of a fee, and
- presentation of personal identification. (It is helpful to have a copy of the **Order of Paternity** with you.)

Records may also be ordered online at www.vitalchek.com

For births since 1997, birth certificates may also be obtained from the Maricopa County Office of Vital Statistics at 1825 E Roosevelt Road, Phoenix. Call (602) 506-6805 for information.

NOTE: After a Paternity Order is issued, either parent may file a request for Visitation, Custody or Support. If that request is filed within 90 days after the Paternity Order is issued, and in the same county, there is no additional filing fee. (A.R.S. 25-812))